

UNITED STATES DISTRICT COURT

FILED

Western

DISTRICT OF

Texas

2009 AUG 28 AM 11:21

UNITED STATES OF AMERICA

V.

Jesse Joe Gutierrez

CRIMINAL COMPLAINT

Case Number: A-09-M-570

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 08/27/09 in Travis County, in the Western District of Texas defendant(s) did,

(Track Statutory Language of Offense)

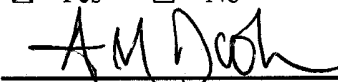
knowingly and willfully threaten to take the life of the President of the United States, knowingly and willfully threaten to kill a former President of the United States, and threaten to assault a Federal law enforcement officer

in violation of Title 18 United States Code, Section(s) 871, 879, and 115

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

Official Title

See Attached Affidavit

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No


Signature of Complainant

Andrew M. Dooher

Printed Name of Complainant

Sworn to before me and signed in my presence,

August 28, 2009

Date

at

Austin

TX

City

State



Signature of Judge

Pastor Pichon

U.S. Magistrate Judge

Name of Judge

Title of Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2009 AUG 28 AM 11:21
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY

-----)
UNITED STATES OF AMERICA

vs.

JESSE JOE GUTIERREZ
-----)

CRIMINAL NUMBER _____

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, ANDREW M. DOOHER, Special Agent, United States Secret Service, Austin, Texas,
being duly sworn, depose and state the following:

1. I am a Special Agent of the United States Secret Service and have been so employed for over eighteen years. I am currently assigned to the Austin, Texas, Resident Office. In this capacity, I have received extensive training and have experience in conducting investigations related to individuals or groups posing a threat to the President of the United States and other protectees of the United States Secret Service.

2. I respectfully submit this affidavit in support of a Criminal Complaint against Jesse Joe Gutierrez for violations of Title 18 United States Code, Section 871 (Threats against President and successors to the Presidency), Title 18 United States Code, Section 879 (Threats against former Presidents and certain other persons), and Title 18 United States Code, Section 115 (Influencing, impeding, or retaliating against a Federal official).

The Statutes

3. Title 18, United States Code, Section 871(a) provides that "Whoever knowingly and

willfully makes deposits for conveyance in the mail or for delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of, to kidnap, or to inflict, bodily harm upon the President of the United States, the President-elect, the Vice President or other officer next in the order of succession to the office of President of the United States, or the Vice President-elect, or knowingly and willfully otherwise makes any such threat" shall be punished by a fine or imprisoned not more than five years, or both.

4. Title 18, United States Code, Section 879(a)(1) provides that "Whoever knowingly and willfully threatens to kill, kidnap, or inflict bodily harm upon a former President or a member of the immediate family of a former President" shall be punished by a fine or imprisoned not more than five years, or both.

5. Title 18, United States Code, Section 115 (a)(1)(B) provides that "Whoever threatens to assault a United States official, United States judge, or a Federal law enforcement officer...with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer on account of the performance of official duties" shall be punished by a fine or imprisonment for a term of not more than 6 years, or both.

The Offense

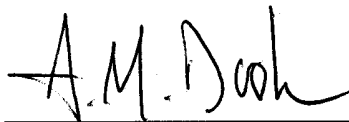
6. On or about August 27, 2009, Jesse Joe Gutierrez telephoned the office of the United States Secret Service in Austin, TX and left a voice mail message in which he threatened to kill President Barack Obama, Former President George W. Bush, and Former President George H.W. Bush. In addition, Gutierrez threatened to kill Special Agent Nguyen Vu of the United States Secret Service, who had previously investigated Gutierrez for making similar threatening statements.

7. Based upon the forgoing facts, there is probable cause to believe that Jesse Joe Gutierrez did knowingly and willfully threaten to take the life of the President of the United States, in violation of Title 18, United States Code, Section 871.

8. Based upon the forgoing facts, there is probable cause to believe that Jesse Joe Gutierrez did knowingly and willfully threaten to kill a former President of the United States, in violation of Title 18, United States Code, Section 879.

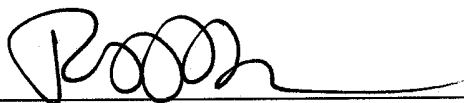
9. Based upon the forgoing facts, there is probable cause to believe that Jesse Joe Gutierrez did threaten to assault a Federal law enforcement officer with intent to impede, intimidate, or interfere with such official while engaged in the performance of official duties or with intent to retaliate against such official on account of the performance of official duties in Violation of Title 18, United States Code, Section 115.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



ANDREW M. DOOHER
SPECIAL AGENT
UNITED STATES SECRET SERVICE

Sworn to before me this
28th day of August, 2009



UNITED STATES MAGISTRATE JUDGE
WESTERN DISTRICT OF TEXAS